DOCUMENT RESUME

ED 268 469 CG 019 028

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TITLE The Past, Present and Future of the Florida Juvenile Justice System: A Multiagency Policy Analysis.
INSTITUTION Florida State Office of the Governor, Tallahassee.
PUB DATE 28 Oct 83
NOTE 58p.
PUB TYPE Reports - Descriptive (141)

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS Adolescents; *Agency Cooperation; *Correctional Institutions; Cost Effectiveness; *Delinquency; Education; Employment; Juvenile Courts; *Policy; *Program Effectiveness; Statistical Analysis
IDENTIFIERS Florida; *Juvenile Justice

ABSTRACT

This document is a 1983 assessment of the Florida Juvenile Justice System based on an extensive analysis of the most recent statistical data and literature produced in Florida and several other states. The purpose of the report is to provide a preliminary overview of the impact of changes within the juvenile justice system and its relationship with other institutions and agencies. Policy recommendations are described in hopes of stimulating and focusing discussion on the course of the juvenile justice system. Cost effectiveness of juvenile justice programs including diversion, detention rates, and commitment programs are discussed. The juvenile population in the Department of Corrections is described. Conclusions and recommendations in the following areas are presented: (1) detention; (2) formal handling and diversion; (3) community programs and institutions; (4) serious offenders; (5) juvenile justice and the public schools; (6) employment, education, and training strategies for delinquent youth; (7) juveniles in the Department of Corrections; and (8) juvenile justice and the judicial process. Discussion is supported by statistical tables. Twenty-seven references are included. (ABL)

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STATE OF FLORIDA
EXECUTIVE OFFICE OF THE GOVERNOR
OFFICE OF PLANNING AND BUDGETING
JOHN T. HERNDON, DIRECTOR

THE PAST, PRESENT AND FUTURE OF THE FLORIDA JUVENILE JUSTICE SYSTEM: A MULTIAGENCY POLICY ANALYSIS

OCTOBER 1983

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STATE OF FLORIDA

Office of the Governor

THE CAPITOL

TALLAHASSEE 32301

BOB GRAHAM
GOVERNOR

October 28, 1983

Honorable Bob Graham
Governor, State of Florida
The Capitol
Tallahassee, Florida 32301

Dear Governor Graham:

This assessment of the Florida Juvenile Justice System is based on an extensive analysis of the most recent statistical data and literature produced in Florida and several other states. There have been many changes within the system and in its relationships with other institutions and agencies during the past five years. This report is designed to provide at least a preliminary overview of their impact. The report also contains a series of policy recommendations tied to the analytical overview, which we hope will help stimulate and focus discussion concerning the course of juvenile justice over the next five years.

We would like to express our deep appreciation to the Department of Health and Rehabilitative Services. Without the information and guidance provided by Dr. Richard Grimm, Susan Yelton, Ted Tollet, Susan Chase, Bill Bently, Nancy Ross and others this report could not have been completed.

Sincerely,

John T. Herndon

John T. Herndon, Director
Office of Planning
and Budgeting

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Enclosure

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THE PAST, PRESENT AND FUTURE OF THE FLORIDA JUVENILE JUSTICE SYSTEM: A MULTIAGENCY POLICY ANALYSIS

Introduction

Between 1979 and 1982, the number of delinquency referrals to the Florida juvenile justice system dropped by 32%. The system now receives fewer referrals than at any time since the late 1960's. The projected demographic composition of the State indicates that the number of referrals is likely to either remain stable or decline through 1990. The population cohort 10-18 will probably continue to decline through the 80's which may lead to an even lower delinquency rate than has occurred in the past three years. In sum, the juvenile crime crisis of the 1970's has peaked and begun to subside.

We should not, however, be lulled into complacency concerning the problems of juvenile crime, as they affect both the institutions of society (e.g., schools and families) and individuals. The decline in juvenile crime should be seen as an opportunity for policymakers to review and carefully assess the major substantive issues concerning goals for and methods of improving the juvenile justice system (JJS) programmatically.

As a result of the dramatic decline in delinquency referrals, the State can now undertake a thorough study of the many policy and program initiatives taken in the 70's and use this information to chart the direction of juvenile justice over the next five to six years. The 70's were not only a

time of crisis reactions to the spiraling increases in juvenile crime. They were also a time in which numerous program experiments in alternative methods of deterring, controlling and treating delinquency were implemented in Florida and several other states. We have a considerable amount of information on these efforts, which can be used to conduct the policy analyses that are needed to take advantage of the recent changes in delinquency referral rates. This paper represents a comprehensive effort to lay the groundwork for a series of specific policy analyses which could address each of the major components (diversion, detention, etc.) of the JJS. The paper begins with a brief analysis of juvenile crime rates, proceeds to a comparative cost-effectiveness assessment of JJS programs and ends with a set of policy recommendations supported by the cost-effectiveness findings.

The Juvenile Crime Picture

As shown in Table 1, the number of delinquency referrals to the juvenile justice system has fallen substantially since 1979 and is now at a lower level than any time prior to the early 1970's. Since 1980, referrals have dropped by 31.9%.

Table 1

Number of Delinquency Referrals
(1975-1982)

		Delinquency Referrals			Delinquency Referrals
July-Dec.	1975	51347	July-Dec.	1979	52483
Jan.-June	1976	54268	Jan.-June	1980	55065
July-Dec.	1976	49170	July-Dec.	1980	45437
Jan.-June	1977	51910	Jan.-June	1981	43000
July-Dec.	1977	53855	July-Dec.	1981	38956
Jan.-June	1978	53888	Jan.-June	1982	39453
July-Dec.	1978	53669	July-Dec.	1982	35815
Jan.-June	1979	61435			

The reasons for this precipitous drop in referrals are not immediately clear. It is doubtful that the 1981 legislation, which made it much easier to detain juveniles and waive those charged with felony offenses to the adult court, accounts for any significant share of the decline. Two thirds of the drop in referrals occurred in the year prior to the legislative changes.

The drop in referrals is a national trend as the juvenile crime rate seems to have abated in most states. Because the population at risk (10-17) will actually decline over the next several years, the juvenile crime rate is not likely to increase significantly during the remainder of this decade. We should remain alert, however, to the possibility that increases in referrals may occur just as inexplicably as the recent decreases.

Contrary to the assumption held by many, the juvenile justice system is not inundated with serious and/or repeat offenders. More commonly, referrals to the juvenile justice system have been arrested for the first time and either charged with a crime against property or with a victimless offense.

Table 2

Reason for Referral FY 81-82

Reason	Number	Percent of Total Referrals
Felonies		
Against Persons	5097	6.5%
Against Property	26189	33.4%
Victimless	1960	2.5%
Other	1490	1.9%
	34736	44.3%
Misdemeanors		
Against Persons	4861	6.2%
Against Property	22425	28.6%
Victimless	10664	13.6%
Other	3136	4.0%
	41086	52.4%
Special Delinquent Acts	2587	3.3%
TOTAL	78409	100.0%

Data for FY 1981-82 indicates that 52.3% of referrals have been arrested for the first time (most for property or victimless offenses) and only 2.6% were committed to the system at the time of their referral.

Table 3

Status at Time of Referral
FY 81-82

No prior referrals	41008	52.3%
SES Supervision	1647	2.1%
Community Control	5175	6.6%
Furlough	862	1.1%
YS Commitment	2039	2.6%
Termination YS Supervision	4548	5.8%
Previous Judicial Handling	9644	12.3%
Previous Non-Judicial Handling	13486	17.2%
TOTAL	78409	100.0%

The overall juvenile crime rate has dropped by over 10% during the past 10 years, while the adult crime rate has risen by over 30%. Juveniles committed less than 20% of the major violent crimes (e.g., murder, rape, robbery, aggravated assault) in 1980. Juvenile crime continues to be a serious social problem in Florida. Its magnitude, however, is diminishing and, as noted earlier, will probably continue to diminish through the 80's as the 10-17 age group decreases as a percentage of the total population.

Cost Effectiveness of Juvenile Justice Programs

A. Diversion

The Florida data show that juveniles diverted from the JJS are characterized by a low recidivism risk. These juveniles are new to the system and are generally referred for relatively minor offenses. A 1976 study based on a random sample of 450

diverted juveniles showed that only 5% were committed within a 2½ year follow-up period. (Diversion and Probation Study, 1977). The majority of these juveniles were not diverted to diversion programs, but were counseled and released to parents or guardians.

The Juvenile Alternative Service Project (JASP) in District III, V and VI is used to divert offenders from judicial processing. As part of the JASP evaluation a recidivism study was conducted on 413 JASP participants. The results indicated the JASP clients have a 17.9% re-arrest rate within 9 months compared to a 23.7% re-arrest rate within 9 months for non-JASP clients, who were matched on the basis of offense, age, status at time of referral and location.

In a 1977 study of delinquency deterrence in Florida, Waldo, et al., found that:

> ...perceptions of certain and severe punishment account for little of the variance in delinquency behavior (less than 5% in all samples).
>
> The strategy of reliance upon legal controls to prevent delinquency is further contradicted by the fact that various informal controls -- particularly friends' disapproval and moral belief -- have a preventive effect on delinquency that is generally greater than the effect of certain and severe state sanction. When one considers further, the fact that formal sanctions are associated with more delinquent and poorer self concept, which are in turn associated with higher levels of subsequent delinquent behavior, then the wisdom of legal control as the basis of delinquency prevention is rendered even less plausible.
>
> Thus, we would recommend a continued reliance upon less punitive measures of delinquency control, on the grounds that punitive measures do little to prevent delinquency and probably encourages

it. Specifically, we would recommend non-judicial and informal handling of delinquents wherever possible.

It bears mention at this point that each case handled judicially, in Florida, costs taxpayers from $500 to $1,500 and each commitment to a treatment program costs an additional $720 to $8,990 annually. (The cost of diverting a youth through JASP ranged between $156-$366 in FY 79-80 and between $175-$196 in FY 80-81.) Clearly, diversion with or without services represents a major opportunity to increase the cost effectiveness of the JJS. Just as clearly, the diversion rate has dropped tremendously since 1975 as shown in the following table. The percentage of referrals who are being handled judicially (through the courts) has risen by more than 80%. The judicial handling rate has increased each year since 1975 except for 1979 and part of 1980, which was also the period when delinquency referrals began to drop substantially. In short, the diversion rate has dropped from 71% to 47% since 1975.

Table 4

Rate of Judicial Handling of Juvenile Cases

July-Dec 1975	29.5%
Jan-June 1976	31.7%
July-Dec 1976	33.3%
Jan-June 1977	36.5%
July-Dec 1977	38.0%
Jan-June 1978	40.7%
July-Dec 1978	43.7%
Jan-June 1979	45.7%
July-Dec 1979	45.5%
Jan-June 1980	45.0%
July-Dec 1980	48.9%
Jan-June 1981	50.9%
July-Dec 1981	52.2%
Jan-June 1982	53.4%

B. Detention, Probation and Commitment Rate

As shown in Table 5, the percentages of juveniles referred to the JJS who are detained and committed (adjudicated delinquent and placed in a treatment program other than probation) have increased substantially in the past two years. The increase in the detention and commitment rates exceed 60% between January 1, 1981 and January 1, 1983.

Table 5

Ratio of Referrals to Detention
Admissions and Commitments

	Del. Ref.	Secure Detention Admissions	Detention Admissions / Number of Referrals	Number Committed	Number Committed / Number of Referral
Jly-Dec 75	51347	N/A	-	1917	3.7
Jan-Jun 76	54268	N/A	-	2387	4.4
Jly-Dec 76	49170	11781	24.0	2050	4.2
Jan-Jun 77	51910	13140	25.3	2168	4.2
Jly-Dec 77	53855	12542	23.3	2172	4.0
Jan-Jun 78	53888	13171	24.4	2229	4.1
Jly-Dec 78	53669	12528	23.3	1996	3.7
Jan-Jun 79	61435	13502	22.0	2272	3.7
Jly-Dec 79	52483	11606	22.1	2086	4.0
Jan-Jun 80	55065	12651	23.0	2313	4.2
Jly-Dec 80	45437	9153	20.1	2294	5.0
Jan-Jun 81	43000	10801	25.1	2468	5.7
Jly-Dec 81	38956	13464	34.6	2453	6.3
Jan-Jun 82	39453	14452	36.6	2702	6.8
Jly-Dec 82	35815	12959	36.2	2872	8.0

Prepared by DHRS-PDCYFD
4/5/83

The factor which probably accounts most for these increases is the 1981 legislative change in the statutes governing the detention decision-making process. In 1980, the Legislature made the criteria to be used in deciding whether or not to detain an alledged offender significantly more restrictive. Prior to the 1980 legislation, the criteria had been comparatively broad and vague in content (e.g., threat to self or others). The 1981 changes largely represented a reversion to the more open-ended pre-1980 criteria. The changes also provided a

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significantly larger role for law enforcement and state attorneys in the detention decision-making process.

In a 1981 evaluation of the impact of the 1980 changes in the detention statutes [Section 39.032(2)], it was found that during the eight month period from July 1980 to February 1981 admissions to detention were 21.1% lower than admission in the comparable 1979 period. For the same time periods, average daily populations dropped by 16.2%. However, average length of stay in secure detention increased by 2.5%.

It was also found that:

> ...while the data indicate that between September through December 1980 Single Intake detained approximately 48 percent of all youth screened as compared with 53 percent during the previous comparable time period in 1979, the current data do not support the position taken by many that Single Intake is releasing an increased number of youths who commit subsequent law violations or fail to appear for hearings.

Overall during the five months study period, there was less than one half of a percent (.05) increase in the number of new law violations by juveniles who were released prior to disposition. At the same time detention admissions dropped by 21% and the number of referrals to the JJS, which is a reasonably accurate reflection of the juvenile crime rate, dropped by 10,000. According to these numbers, the 1980 detention criteria, which were designed primarily to reduce the detention rate for juveniles charged with victimless offenses and minor property offenses, achieved their intended purpose and should be considered a successful experiment in

the effort to increase the cost effectiveness (reduce the number detained without increasing the juvenile crime rate) of detention practices. After the detention criteria were loosened-up in 1981, the detention rate as shown in Table 4 increased by 40%, and the need to build and expand detention centers became a major fixed capital and operating budget issue.

As noted in the HRS Study (1981):

> Detention is a significant phase in the juvenile justice process because it constitutes the initial critical contact with the system for many youths. Pre-trial detention of juveniles has become an increasingly controversial social and legal issue in Florida and the nation. From a historical perspective, Florida has had one of the highest detention rates in the country. Florida ranked number two in the nation behind California in its rate of detention in a 1974 study.

The detention decision may have as much to do with whether or not a juvenile is eventually adjudicated delinquent as any other single event or variable. Detention may frequently condition a judge's view of the circumstances surrounding an arrest. Since the decision to detain is ostensibly based on the belief that the juvenile is either a threat to himself or others, it would seem that the detained juvenile, as opposed to the juvenile released prior to hearing or not detained at all, is placed at a decisive disadvantage during the adjudicatory hearing stage.

Finally, the majority of juveniles held in detention are relatively minor offenders. For instance, before status offenders were removed from the Florida JJS, they comprised

more than 40% of the average daily population in detention. Excessive detention facilitates unnecessary and wasteful penetration of the JJS by non-dangerous juvenile offenders.

The Florida data also indicate that, for juveniles who cannot be diverted because of the nature of their offense or past delinquency, probation (community control) is a cost-effective alternative to more structured and much more expensive programs. During FY 80-81, only 2014 or 9.5% of the clients supervised on community control were committed to the Department. It costs under $600 per year to serve a child who has been placed on probation as compared to over 2,000 for the least expensive commitment program.

During the past two years, the Children, Youth and Families Program Office has undertaken a major effort to improve the Community Control Program by expanding the work and restitution projects within each district. As these projects grow and become administratively settled, the number of juveniles assigned to the Community Control Program should expand and consequently reduce the number penetrating further into the system. The number of community services work hours reported and the amount of restitution paid has increased steadily since January 1980.

	Hours Worked	Restitution Paid
Jan. 1980	7,365	$27,119
Jan. 1981	12,756	$37,486
Jan. 1982	15,969	$50,708

The last column in Table 6 shows the commitment rates (percentage of referrals committed to HRS) for the past seven and a half fiscal years. The commitment rate has increased by over 100% between December 1975 and December 1982. One might assume that this huge increase was produced by an increasing number of serious offenders referred to the JJS. In fact, however, there has not been an increase in the number of offenders against persons over the last seven years, as shown in the following table which compares numbers for FY 1975-76 with those for FY 1981-82.

Table 6

Reason for Referral

Reason	1975-76 Number	1981-82 Number
Offenses Against Persons	9924	9958
Offenses Against Property	54587	48614
Victimless Offenses	30558	18250

The number of offenders against persons, which is a commonly accepted criterion used in distinguishing between relatively serious and non-serious offenders, has remained around 9,900 over the past 7 years, while the number of property offenders has dropped by about 6,000.

There would appear to be evidence here for the notion that detention by itself increases the likelihood that a juvenile offender will be committed. The commitment rate rose 40% during the last 18 months, or the period following the loosening of the detention criteria. Some would also claim that these trends demonstrate the capacity driven nature of the JJS. That is, as the number of commitment program resources (beds) grew or remained stable and the number of referrals dropped 30% over the last seven years, the number of committed juveniles grew to fill available commitment slots, thus driving down the diversion (non-judicial handling) rate.

It is not possible at this point to identify precisely what variable relationships can account for the changing trends of the last several years. What is clear, however, is that while the number of juvenile offenders has fallen substantially, there has been no decrease in the numbers formally entering the JJS.

> Next, we attempted a very tentative exploration of factors that might account for variation in state rates of detention and training school admissions using 1979 CIC data. Multiple regression techniques were employed using such independent variables as violent [crime] arrest rates, Part 1 property arrest rates, the bed capacity of each state, and teenage unemployment rates. For rates of detention admissions, these four independent variables explain 81.4 percent of the variation among the states. The number of detention beds per 100,000 youth population explains 78.8 percent of the variation in detention admission rates, with the rate of Part 1 property arrests adding only another 4.1 percent in explanatory power. Neither the violent [crime] arrest rate nor teenage unemployment rates explain much variation in state detention admission rates.

> For training school admission rates, on the other hand, the same independent variables account for only 32.9 percent of the state variations. Roughly two-thirds of the variation among the states in training school admissions rates is not explained by serious youth crime, youth unemployment, or the availability of beds. Of these factors, the number of training school beds per 100,000 youth population accounts for 27.0 percent of the variation in rates of training school admissions or 82.1 percent of all the variation that is explained by the selected independent variables. Part 1 property arrest rates separately explain 4.5 percent of the variation among the states in training school admission rates. Neither teenage unemployment nor violent arrest rates significantly boost our explanatory ability. [Krisberg/Schwartz, 1983]

These findings tend to support those observers who contend that the JJS is capacity driven. That is, the number of juvenile offenders who are handled formally, detained, and committed is substantially a function of the detention and commitment resources that are available.

C. Commitment Programs

Approximately 92% of all juveniles referred to the Florida JJS are either diverted, found not guilty, have the charges against them judicially dismissed, or are placed on probation (community control). The remaining 8% of the juveniles referred to the JJS are committed to the Children, Youth and Families treatment system. The array of programs in Children, Youth and Families ranges from non-residential intensive counseling to secure residential institutions.

Children, Youth and Families has conducted recidivism-oriented evaluations of all major commitment alternatives. Table 7 provides a general cost-effectiveness comparison and ranking of all HRS juvenile commitment programs. The table shows that the community-based commitment programs in Florida appear to have achieved success rates, as measured by recidivism, similar to, or better than, institutional programs. Less restrictive programs, particularly non-residential programs, are at least as effective as training schools, and they are on the whole substantially less expensive. It is important to note that the 24-month recidivism data does not include recidivism after age 18. Consequently, the training schools, which release older youth than the other programs, show a recidivism rate which is not a fully accurate reflection of the total subsequent criminal activity of the juveniles released from them.

Statistical tests based on client characteristics (e.g., commitment offense, race, age) do not significantly reduce the recidivism rate differences between the community and institutional programs. The training schools have a larger number of serious offenders, but the majority (75%) are not significantly different in terms of commitment offenses and offense histories from most of the juveniles in community programs. Fewer than 15% of the juveniles in training schools have been committed for violent offenses.

Table 7

CYF Delinquency Commitment Programs
Cost-Effectiveness Rankings

Overall Ranking[1]	Program	(Point Total)[2]	Cost Per Case[3]	(Ranking)	Percent of Felony and Misdemeanor Persons Offense Admissions[4]	(Ranking)	Recidivism Rate	(Ranking)
1	Intensive Counseling	(NR) (3)	$ 722	(1)	21	(1)	22%	(1)
2	TRY Center	(NR) (11)	$1903	(5)	21	(1)	33%	(5)
3	Associated Marine Institutes	(NR) (13)	$2216	(6)	18	(4)	28%	(3)
4	Halfway House	(R) (15)	$3390	(10)	19	(3)	24%	(2)
5	STOP*	(R) (18)	$1700	(4)	9	(10)	30%	(4)
6	Pinellas Youth Home	(R) (20)	$2820	(7)	14	(7)	38%	(6)
6	Family Group Homes*	(R) (20)	$1072	(2)	11	(9)	44%	(9)
7	Training Schools	(R) (21)	$4876	(11)	20	(2)	42%	(8)
8	START Centers	(R) (22)	$3344	(9)	16	(6)	40%	(7)
8	STEP*	(R) (23)	$1408	(3)	7	(11)	44%	(9)
9	San Antonio Boys Village	(R) (27)	$2908	(8)	13	(8)	54%	(11)
10	Group Treatment Home	(R) (29)	$4933	(12)	17	(5)	55%	(12)
11	Jacksonville Youth Development Center	(R) (30)	$8995	(13)	18	(4)	63%	(13)

NR = non-residential

R = residential

*Intended to give priority to misdemeanant commitments.

[1]Lower scores assumed to indicate relative cost-effectiveness.

[2]Point total derived by addition of three rankings.

[3]1980-81 cost figures.

[4]September through December 1982 commitments.

[5]Considerable caution should be exercised in comparison of these recidivism figures due to differences in client characteristics among programs, such as age, severity and number of offenses, and extent of previous delinquency.

[6]Does not include the Florida Keys Marine Institute.

Source: Information obtained from the Children, Youth, and Families Office within the Department of Health and Rehabilitative Services.

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Robert Vinter's study (1976) of American Juvenile Justice Systems, including Florida's, found the percentage of serious offenders in community programs to be as high as in training schools. Vinter concluded that no rational distribution of offenders across commitment programs occurs, and that most contain a mixture of juveniles.

A profile of children in Florida's Children and Youth Services commitment programs revealed striking similarities in distribution of commitment offenses and offense histories within all programs. Thus, although institutions clearly receive a disproportionate number of serious or repeat offenders, these offenders constitute a minority, even in training schools.

These findings are directly related to one of the most crucial issues in the JJS. That is, what sanctions should be applied to different levels of delinquent behavior? More specifically, to what extent should formal, systematic distinctions be made between relatively serious and non-serious delinquents in terms of levels of sanctions? How should levels of "seriousness" be defined? Table 7 would seem to indicate that such distinctions should be made in order to take full advantage of the relatively greater cost

effectiveness of the less restrictive programs. This approach would emphasize efforts to reserve the secure commitment programs (training schools) for serious offenders, who might be defined as violent and/or repeat offenders.

Several studies in recent years have helped illuminate the issue of the relationship between offender characteristics and appropriate sanctions. Lyle Shannon in a longitudinal cohort study (1980) of juveniles in two midwestern cities found that:

> The most prevalent pattern of delinquent behavior is one of declining seriousness and discontinuation after the teen-age period. The few who continue to have police contacts with an increase in seriousness (and finally a decline) are those who become well known to the adult justice system and thus create the impression of continuity and increasing seriousness in delinquent and criminal careers. It is this relatively small group of "hard core" continuers on whom attention should be focused by the juvenile and adult justice systems.

Shannon also found that:

> In every other manner in which the data have been examined there is a high degree of concentration, i.e., there are certain categories of persons who have a high probability of having serious careers that include felonies, but there is also a high degree of dispersion in that people scattered throughout the community who either had no juvenile record or only had intermittent contacts for minor offenses ultimately are charged with serious offenses by law enforcement agencies. Because they do not have extensive records as juveniles there is no basis for predicting their later criminal behavior. Knowing that a high percent of those from a high risk group will have serious offenses as adults is not the same as predicting who in a total cohort will have serious offenses as an adult.

These findings highlight the difficulty of predicting with acceptable accuracy the future behavior of delinquents, even when they have very extensive arrest records. In a 1978 Study of Diversion and Probation in Florida's JJS, it was found that a substantial majority of the sampled delinquents with the worst records (6 arrests or more) were not rearrested during the follow-up period. It would appear that most delinquents with even the worst records eventually "out grow" their delinquent behavior. This does not mean that severe sanctions should not be taken against serious juvenile offenders. What it does mean, however, is that we should be very reluctant to conclude that juveniles past a certain point in their delinquent careers are irredeemably lost to a life of crime.

In their two large birth cohort studies of delinquents growing up in Philadelphia in the 1960's and 1970's, Wolfgang, Tracy and Figlio concluded that a relatively small group of delinquents is responsible for a disproportionate number of total crimes, particularly serious and violent offenses. Chronic offenders in the 1960's cohort constituted 18% of delinquents but were responsible for nearly 54% of delinquent offenses. In the 1970's, chronic offenders increased to about 22% of delinquents but committed 61% of all offenses. Fewer than 10% of the delinquents in both cohorts committed more than a majority of the serious crimes.

Some data trends are evident from the Cohort II (1970's group) study. The age of first contact and whether or not that first contact was a UCR index charge appear to be useful in predicting additional police encounters.

At the same time, however, these predictors are reliable only in cases involving low- and high-rate offenders. Medium or non-chronic recidivists, on the other hand, show characteristics that could place them within either group, once more demonstrating the difficulty of producing accurate and useful predictions of future delinquency except possibly for a small group of hard core recidivists.

Wolfgang has been careful to note his data should not be interpreted to be evidence that society needs to implement a "get tough" policy with all juvenile offenders. On the contrary, he has said that they suggest the need for a selective approach for identifying and dealing with that small cadre of violent juveniles, while reacting "lightly" to the majority of youthful offenders.

This perspective raises the issue of how effectively the JJS deals with those delinquents who are now committed and what policies and programs are needed to implement more fully the "selective identification and treatment" strategy suggested by Wolfgang. That is, if research supports the notion that distinctions between serious and non-serious offenders should systematically influence the response of the JJS to juvenile

offenders, what does our knowledge of current JJS practices tell us about what those responses should be. In this vein, Shannon addressed the question of "Does early identification and intervention effectively deter juveniles from further misbehavior or does it insure that they will continuously be identified as miscreants?" And found that:

> ...in a variety of analyses and with considerable regularity, an increase in frequency and seriousness of misbehavior followed periods in which sanctions were administered. This was more the case for males than females but the best that could be said that sanctions have a benign effect on the females. The extent to which continued police contacts are a response to sanctions and not an extension of a pattern of misbehavior is yet to be determined, but the data made us wonder. With few exceptions, intervention by the agencies of social control do not play even a moderate role in decreasing the seriousness of adult offenses.

There is a clear pattern of evidential support for the relatively non-interventionist response to non-serious offenders implicit in Shannon's assessment of the effectiveness of the JJS in preventing future criminal behavior. Support for this response is found not only in Shannon's work but also in Wolfgang's massive study and studies by HRS of the Florida JJS. For more serious offenders, however, there is some evidence that fairly severe sanctions may at least reduce the frequency of recidivism.

Murray and Cox (1979) in a study of programs for very serious juvenile offenders (an average of over 13 arrests per offender) in Chicago found that:

> ...the more restrictive the degree of supervision practiced by UDIS, the greater the reduction in arrest rates. Youths left in their homes or sent to wilderness camps showed the least reduction (though some reduction nonetheless); those placed in group homes in the community showed a greater reduction; and those put into out-of-town group homes, intensive-care residential programs, or sent to regular reformatories showed the greatest reduction. If this is true, it implies that how strictly the youth were supervised, rather than what therapeutic programs were available, had the greatest effect on the recidivism rate.

Curran and Title (1980) in a study designed to identify the results of differential processing in the Florida JJS found that:

> ...juveniles with no prior referrals (first offenders) who constitute over 60% of all referrals) are more likely to recidivate, and seriously, when disposed of severely. But those with one or more prior referrals are less likely to recidivate when given a severe disposition than a lenient one. For those with two or more priors, the severity of disposition begins to have a significant negative effect so that juveniles with two or more prior referrals in fact seem to be deterred by more severe disposition.

The authors go on to note, however, that all of their explanatory variables together account for only 12% of the variance in recidivism rates.

Extensive evaluative research conducted by the California Youth Authority over the past several years found that for the vast majority of youth committed to the Youth Authority, intensive community-based programs produced, at least during the aftercare (parole) period, led to substantially better recidivism rates than the traditional, institution-based Youth Authority program. This was not true for the more seriously involved delinquents who actually did better in the traditional

institutional program. This group of delinquents comprise only 10% of the Youth Authority population, while the less seriously involved delinquents who do better in the intensive community programs comprise over 70% of the population (Palmer, 1973). These percentages are roughly comparable to our estimates of the number of serious (15-20%) versus non-serious offenders (80%) in Florida and other state juvenile justice systems.

The major conclusions that may be drawn from the results of all these studies may be summarized as follows:

(1) A distinction should be made between serious and non-serious juvenile offenders in terms of the choice of sanctions. Generally speaking, serious offenders should be defined as those convicted for violent person offenses and those who are committed to the JJS two or more times.

(2) The less restrictive community-based programs represent the most cost-effective method of handling the vast majority of juveniles committed to the JJS.

(3) Placement in relatively restrictive, secure programs seems to be the most effective means of dealing with the more serious offenders (violent and repeat offenders) committed to the JJS. This group represents approximately 15% of all youth committed to the JJS. Over 35%, however, of all juveniles who are now committed to the JJS are placed in a training school which is the most restrictive program in the Florida JJS*.

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*The most restrictive sanction for juveniles, of course, is adult prison, where over 600 juveniles are currently serving sentences.

The Juvenile Population in DOC

Since 1979, the number of juveniles admitted to adult prisons (Department of Corrections) has increased threefold as shown in the following table.

Table 8

Youths Committed to Department of Corrections
Age at Admission

Year	16 and Under	17	Total Youths Number	Total Youths % of Total	Total DOC Commitments
76-77	74	151	225	2.74	8,224
77-78	105	152	257	3.21	8,001
78-79	152	233	385	4.64	8,292
79-80	248	323	571	5.98	9,546
80-81	271	326	597	5.42	11,014
81-82	315	456	771	5.66	13,621

The 1981 legislative change that made it considerably easier for prosecutors to try 16 and 17 year olds in adult court is probably the major factor contributing to this increase since 1981.

For those committed to DOC in FY 1981-82, 25% had no prior arrests recorded by the FBI. The median sentence for the 81-82 admission group was 3 years and a majority were committed for non-violent, property offenses.

The five major commitment offenses for FY 1981-82 were:

Burglary	44%
Robbery Armed	16%
Robbery Unarmed	9%
Escape	7%
Larceny	4%
All Others	20%

It would not be unreasonable to assume that most of the juveniles committed to DOC are serious offenders with extensive records. The data reported here, however, indicate that as the number of juveniles in DOC increases, many of them are not violent offenders and do not have extensive records.

This raises the policy issue of whether or not non-violent juvenile offenders without extensive records should ever be committed to an adult prison and whether or not current waiver procedures are too flexible. This issue is made even more important by the absence of any special programs for this population group in DOC and their vulnerability to exploitation and abuse by older and stronger inmates.

If minor offenders are diverted, placed on probation, or, as a last resort, placed in community-based commitment programs, then institutional or smaller secure facilities can be reserved for serious, repeat offenders who can be kept for relatively long lengths of stay and receive the close attention they require. This, we think, is a more effective approach to handling serious juvenile offenders than moving them into the adult system.

We do not recommend that youth who commit serious violent crimes be treated lightly. We do emphasize that they need humane, rehabilitation-oriented treatment, which they are not receiving in training schools overcrowded with minor offenders or in adult prisons. We suggest reducing the scope of the formal JJS so that it can effectively focus on the needs of this comparatively small but problematic group. The JJS can then be freed to concentrate on providing quality treatment services to serious and repeat offenders. This will occur, however, only if communities assume greater responsibility for the children who do not belong in the JJS either because of the minor nature of their offense, or because their condition calls for an entirely different form of treatment.

A large number of the children currently entering the JJS suffer from special problems which are only exacerbated by their experiences in the system. In Florida, for example,

it is estimated that of the approximately 5,000 children committed to Children, Youth and Families annually, between 300 and 400 are at least mildly retarded, and between 400 and 500 have serious emotional problems which the system is not designed to treat.

There are two major factors which contribute to the process of committing children simply so that they can receive treatment for special problems. One of these is the parens patrie approach taken by many juvenile courts. As the U.S. Supreme Court pointed out in the Gault decision, a court acting as a parent when it is not absolutely necessary serves neither justice nor treatment well. The other contributing factor is the fact that many JJS decision makers approach cases solely as manifestations of individual pathology, giving inadequate attention to situational/ecological factors.

As a rule, the JJS focuses more on the approval deficiencies of the individual juvenile than on efforts to repair the problems generated by the juvenile's location in a series of cross-cutting social situations. Even without sweeping changes in the socio-economic structure or the educational system, it is possible to improve a child's relationship with a particular school or with his family or to help him/her get a job.

Under the parens patrie approach to juvenile justice, children are frequently denied their right of due process. The case for full acceptance of the legal due process model by the juvenile court has been well stated by Ted Rubin (1977), who describes the juvenile court as:

> ...a legal forum upon which social services have been grafted, not a social agency empowered with authority. The standards embodied in the law and the Constitution will serve us better than good intentions or rehabilitative enthusiasms. Due process-fairness-is the best teacher and the best approach to securing client acceptance of our norms. Due process and rehabilitation are mutually reinforcing. Social judgments should not replace legal judgments in a court of law. We need to avoid the civil-criminal debate on the nature of our court. The issue is freedom. Freedom can be constrained or removed only through due process of law. We need to institutionalize, in the better sense of the term, both prosecution and defense services in this court. To assure the fullest protection of the constitutional rights of youth, we must see to it that all youngsters are defended by counsel at the earliest stage of the juvenile process. Their right to counsel should not be waivable.

The need for greater use of defense counsel at early stages in the system has been addressed in research conducted by Lawrence Cohen in three jurisdictions: Denver, Memphis, and Montgomery County, Pennsylvania. Cohen (1975) concludes that:

> ...early decisions in the process substantially affect or determine decisions made at later, more visible stages in the process. Attention to procedural rights for juveniles only at the most visible stage (the courts), and not at the more crucial or more determinative, less visible stages is unfortunate. Perhaps it is at these less visible stages where the greatest attention to procedural rights is needed.

In order to reduce opportunities for abuse of discretionary power wielded by many decision makers in the JJS, Rubin (1976) suggests that:

> Discretion at each stage of the processing system should be narrowed through guidelines, rules, and statutes curbing irregular decision-making. Intake decision-making needs to be recorded and reviewed; judicial decisions at detention hearing and disposition hearings should be documented. Judicial

> review of related social agency services to court youngsters should be specified and reviewed. Statutes should set forth the doctrine of the least restrictive alternative, that is, the selection of a disposition that is least restraining consistent with community protective needs. The severity of an offense should be the primary criterion in differential decision-making.

Once a child enters the system and is adjudicated, every effort should be made to maintain the child in the community, preferably in his own family, through non-residential programming. If he must be separated from his family, he should be placed in a program close enough to his community to maintain family, school, and other institutional ties. Large facilities in rural areas should be replaced by a limited number of relatively small, secure facilities located close to metropolitan areas. These facilities could provide rehabilitation programs for the most serious offenders. Every effort should be made to use community resources to serve children at each point in the system.

In addition to reducing the number of children adjudicated delinquent through increased use of diversion, juvenile justice decision makers should expand the use of probation in lieu of commitment. Probation workers, however, must become more effective in their efforts to serve their caseloads. Probation and aftercare (parole) workers should shift their focus from counseling to the cultivation and brokering of community resources required by their clients. The central objective of this community resource centered approach would be to place and maintain each client in school and/or a job. This approach

would also emphasize restitution and work compensation projects for children placed on probation; thus allowing delinquents to pay for what they have done rather than waste time through enforced idleness or busywork in pointless "rehabilitation" programs.

There is some evidence that both improved academic performance and holding a job are positively correlated with a decrease in delinquent activity. A 1976 evaluation of the Florida Youth Services' educational programs revealed that children who experienced an improvement in their reading abilities were much less likely to re-enter the JJS than those who made no advances in reading ability. Also, those who obtained employment were more successful on aftercare and were more likely to be honorably discharged than those who did not.

It should be noted here that JJS based educational programs cannot effectively serve as a substitute for the public schools program. The resources of the latter are far greater than those available to JJS, which, after all, is fundamentally a correctional and not an educational system. One of the more deleterious effects of removing juveniles from their community through commitment to the JJS is that only a minority of them return to school. The responsibility of the schools to educate juveniles who have been involved in the JJS has never been fully articulated. A major part of the rationale for the alternative education program was that

it would reduce expulsions, suspensions and referrals to the JJS. A 1981 evaluation of the program showed, however, that after two years of operation, the program had failed to reduce any of the three rates. Clearly, the relationship between the JJS and the public schools needs further exploration and development.

In the area of employment, juvenile justice personnel need to place much greater emphasis on job development and placement efforts. Work and training programs for adjudicated youth need to be expanded and made more compatible with job opportunities actually available for youths. Even a recessionary economy is not a totally insurmountable barrier. Research has shown that systematic efforts to locate and place adjudicated youth in jobs can be successful. Table 9 presents a comparison of the school or job placements of Miami youth in the Florida Youth Services Job Placement CETA Project with placements for Jacksonville area youths who received no special job placement services and who were furloughed from training schools during the same time period (November 1975-February 1976). Sixty-five percent of CETA clients were placed in school or a job, while only 36% of Jacksonville youths were placed. Thirty-nine percent of CETA placements went to school. While only 14% of the Jacksonville youths found jobs (within one month of furlough), 26% of the CETA clients found jobs.

Table 9

Job Placement Rates for Miami and Jacksonville

Placement	Miami (With Special Services) Percentage	Number	Jacksonville (Without Special Services) Percentage	Number
School	39%	12	22%	6
Job	26%	8	14%	4
TOTAL	65%	20	36%	10
	N=31		N=28	

Conclusions and Recommendations

1) Detention

The detention population has increased by over 40% since 1981. The percentage of juvenile referrals detained has risen from under 25% to over 35%. The year during which more stringent detention criteria were in practice saw a significant drop in the number of juveniles detained and number referred. Also, use of the criteria did not produce an increase in the number of juvenile referrals not appearing in court, nor in the number or percentage of referrals who committed a new crime before their court appearance. Finally, a juvenile offender's chances of being committed appear to be significantly increased if he/she is detained prior to the adjudicatory hearing.

Recommendation

- The State should develop and implement a modified version of the detention criteria that the Legislature passed in 1981 and repealed in 1982. The lack of a juvenile bail bond system and the current tendency of detention decision makers to detain thousands of juveniles who are, based on their criminal records, neither dangerous nor unlikely to appear for their court hearings, makes an extremely compelling case for more detailed, rigorous criteria than those represented by the rather open-ended, nebulous guidelines now in use. The development of these criteria should be a joint undertaking involving the Legislature, Governor's Office, Department of Health and Rehabilitative Services, the courts, state attorneys and law enforcement. The final product should be a set of criteria to be considered by the Legislature in 1984.

2) Formal Handling and Diversion

Data from several different sources show that diversion from formal processing is a very cost-effective method of handling most juveniles referred to the JJS. Yet, over the

past six years the percentage of referrals diverted has dropped from over 70% to about 50% of total referrals. Given the 30% drop in total referrals since 1979, the increase in percentage of referrals handled formally has prevented the State from realizing a substantial cost saving and increased effectiveness (as measured by recidivism) in the operation of the JJS.

Most criminal behavior by youth between the ages of 13-18 will be outgrown. It should be noted that fewer than 2% of juveniles referred to the juvenile justice system even enter adult corrections. Fewer than 30% of all inmates in DOC have juvenile records (Community Alternatives to Prison Study, EOG 1981).

Many young people between these ages who are charged with misdemeanors or with non-violent felonies may appropriately be dealt with outside the judicial system. For some, a simple warning is sufficient. Others may be properly referred to community mediation/arbitration, restitution, or job and career programs, remedial and vocational education, independent living preparation, or wilderness programs. Maximum use of these alternatives, particularly those which keep families united, is more likely to benefit the youth and the community, and free the courts to deal with chronic and violent juvenile offenders.

Recommendation

- The major portion of referrals should be prevented from entering the JJS through effective, systematic diversion strategies in which law enforcement, schools, families, and other community agents play coordinated roles. All children who are seriously emotionally disturbed, mentally retarded or suffering from destructive family situations should be treated outside the JJS in special treatment and child welfare programs.

The Department of Health and Rehabilitative Services should establish a goal of diverting over 60% of all referrals by June 1984. Memoranda of agreement should be developed between HRS District Children, Youth and Families staff and law enforcement, state attorneys, schools and community agencies which identify the parts that each will play in a general effort to reduce unnecessary and wasteful penetration of the JJS by non-dangerous juveniles with limited offense records.

In this context it is interesting to note that a 1975 study conducted for DHRS (Johnson and Silverman, 1975) found that:

Community perceptions of the role of Florida Youth Services had a major influence on referral policies and rates. In high referral counties, it appeared that Youth Services was viewed as a substitute for local resources. The high referral counties also demanded more from the State to deal with their community problems. Possibly in response to community pressure, the State has expanded its service delivery system to handle problems which really require either no services or services for which the local community itself should assume responsibility. Once established, the very existence of this State system encourages referrals. As resources (e.g., more staff, more services) in the JJS are increased, local communities will increasingly utilize it as a way of punishing acts of minor misconduct.

In moderate and low referral counties studied, law enforcement agency attitudes tended to encourage officers to exercise discretion and to refrain from making a Youth Services referral without some compelling reason. In low referral counties, law enforcement personnel reported frequent use of local services and agencies as alternatives to Youth Services referral. In short, where local resources for youth are available and used, the JJS's role and scope are more clearly defined and limited.

3) Community Programs and Institutions

As shown in Table 7 (page 16), the most cost-effective programs in the JJS are the relatively less restrictive programs, particularly probation, the intensive counseling and the AMI programs. These programs are designed to curb the juvenile's anti-social behavior by restricting his freedom and identifying and treating its causes without needlessly interrupting his ties to the community and incurring the costs of incarceration.

Recommendations

- A greater number of offenders advancing into the system should be placed on probation in lieu of more restrictive placements. Probation casework should involve more service brokerage and advocacy activities. Opportunities for victim restitution should be pursued vigorously. Job development and placement activity should become a common feature of probation and aftercare work and the number of probation and aftercare counselors should not be tied to caseload size, but rather to the size of the group (ages 10-17) in the general population who are at risk and the juvenile arrest rate--this will prevent "caseload padding."

- There is no apparent need for any expansion of commitment programs within the JJS. In fact, given the dramatic decrease in referrals to the JJS since 1979, serious consideration should be given to a reduction in the size and number of commitment programs now available. There is no reason to expect a significant increase in the number of JJS referrals over the next several years because of the diminishing proportion and number of the population in the 10-17 age group. Moreover, if the policies (increased diversion and use of probation and the least restrictive community commitment programs) recommended here were implemented the number of committed juveniles would diminish thus further reducing the need for commitment slots.

From this perspective it is recommended that:

a. One of the three training schools be transferred to DOC by 1985 to be used as a minimum security youthful offender facility.

b. In addition to the transfer of one training school, the other less cost-effective programs (see Table 7) should be reduced or terminated and some portion of the savings used to fund a modest expansion of the more cost-effective programs, particularly the intensive counseling and AMI programs.

4) The Serious Offender

The juvenile crime rate has declined by 25.8% since 1975-76. Fewer than 3% of all referrals (arrests) to the juvenile justice system are for violent offenses and two thirds of all referred juveniles are first time offenders. In short, the vast majority of referred juveniles are not dangerously violent and have not been extensively involved in delinquent behavior. There is a clear and compelling need to focus on the serious (violent and/or repeat) offender in order to ensure that they pay a just price for their destructive acts. The focus should be narrow enough, however, to avoid pulling relatively minor offenders who are not serious threats to society deep into the juvenile justice system. Needless penetration of the system is costly, both in terms of tax dollars and increased threats to society later by juveniles hardened through their experiences in the system.

Recommendation

- The state could handle the serious offender issue by restricting training schools to violent (murder, rape, aggravated assault, armed robbery and serious arson) and repeat (committed twice or more for felonies) offenders with average lengths of stay of 9 to 12 months with provisions for longer stays for the most serious cases. This approach would be designed to preserve integrity of the system while also meeting the policy problems associated with the serious offender issue. The courts power to retain jurisdiction over sentence length should not be any greater than that allowed judges in the adult system.

The implementation of this recommendation should be part of a larger sentencing strategy based on the sentencing matrix approach recommended by the Governor's Commission on Criminal Justice. The matrix should be designed to serve the following essential purposes.

a. Restrict placement in a training school or other secure facility to violent or repeat felony offenders (serious offenders who currently constitute less than 50% of all training school placements) with lengths of stay ranging from 6 to 12 months, with provisions for up to 24 months for the most serious offenders, many of whom are now being committed to DOC.

b. Place many of the juveniles now entering training schools in community programs with lengths of stay ranging from 2 to 6 months. Emphasis should be given to placement in the most cost-effective community programs.

c. Place more first time offenders who are not adjudicated for a capital or first degree felony on community control probation.

In developing incarceration-oriented programs for the serious offender, careful attention should be given to the findings and recommendations contained in previous studies. Robert B. Coates has noted that:

> In the Harvard Center's study of deinstitutionalization in Massachusetts, among the most serious offenders in the sample (i.e., who had committed crimes against persons), those who left secure facilities but continued to receive forms of support through non-residential programs did nearly twice as well in terms of recidivism as did those comparable youths who were simply returned to the community under nominal parole supervision. Thus, I conclude that youths who merely return to their social networks without continuing professional help pose a greater risk to community protection than do those who are assisted by staff to reestablish ties and negotiate their social networks. Given the high and necessary costs of care in a secure residence, this minimal extra cost is money well spent both to protect the interests of the community and to better the future of the youngster.

Finally, all efforts to deal firmly but constructively with the serious offender should reflect the following attitude as described by Coates.

> That a small minority of juvenile offenders require secure correctional confinement to protect the community seems quite evident and reasonable to this observer. However, if labels that lead to extreme measures are not precisely defined, we run a great risk of doing a grave disservice to individual youths and to the community by overrestricting youngsters, breaking their positive ties to their social networks, and thereby hindering their successful return to the community.
>
> It is incumbent upon supporters of deinstitutionalization not only to take seriously the community concern for protection from violent offenders, but also to know how these offenders are being handled. These youths will ultimately return to their communities. The types of programming provided in secure settings should help strengthen the youth's ties with social networks promoting nonviolent and legitimate behavior. To deinstitutionalize the majority of delinquents while allowing the violent few to languish in abusive, dehumanizing conditions would make a mockery of yet another well-intentioned reform.

5) Juvenile Justice and the Public Schools

The relationship between delinquency and educational failure has been demonstrated many times. Delinquency is a product of many variables and the complex interrelationships among them. Educational failure, family instability and delinquency appear to be highly interrelated and are each explained more by socio-economic conditions than any other single variable. That is, poor children are more likely to experience educational failure, to come from broken homes and get arrested for delinquent acts than non-poor children.

We should not overlook the fact, however, that several studies have found that most (90% plus) middle-class juveniles also commit delinquent acts, but are less likely to get caught.

This is in part explained by the findings that poor juveniles commit more delinquent offenses, particularly serious offenses, and that middle class offenders are more likely to exhibit a conciliatory attitude toward law enforcement and JJS personnel.

Education is the policy area that can be most directly influenced by State government and which plays a major role in funding and establishing the direction and content of educational programs. Employment-related policies and transfer payments (public welfare), which have the greatest influence on the extent of poverty, are mainly the responsibility of the Federal government. This does not mean that states can not play a major role in creating work opportunities for their economically disadvantaged residents, as, in fact, we suggest be done in the following recommendations. Education, however, is more directly under the control of the states and represents an area where the state can most directly affect the lives of children.

In research described earlier, it was found that for juveniles in the Florida JJS an improvement in reading ability is associated with a reduction in recidivism rates. Research by Elliot, et al., shows that school failure encourages delinquent behavior to an extent that varies considerably among individuals. Elliot found, for instance, that in many cases school experiments may be so negative that dropping-out leads to a reduction in delinquent behavior. Dropping-out, of course, is not the preferred solution to the problems of

delinquency. What this finding shows is how educational failure contributes to delinquency through a reduction in the juvenile's sense of self-esteem and the resources required to succeed economically.

One of the principal purposes of the Alternative Education Program established by the Legislature in 1978 was the development of educational services designed to meet the special needs of children who were failing in the conventional program and had become disruptive to the point of being suspended, expelled, dropping-out, or referred to the JJS for delinquent acts. As noted earlier, the most recent evaluation of the program (OPB, 1981) showed that it had not caused a drop in the general rates of any of these indicators of school failure and delinquent behavior. The evaluation also showed that relatively few school districts had implemented seriously innovative programs, which were rigorously oriented toward meeting the problems of students "at risk" of failure. The majority of the programs were described as in-school suspension type programs which offered little in the way of specialized instruction and support services.

These findings indicate that a major opportunity to reduce delinquency rates through improved educational performance is being missed. The significance of this "missed opportunity" is heightened by the fact that most juveniles do not return to school after they have been committed to the JJS.

According to the findings of the Alternative Education Evaluation:

> ...too few programs which are truly innovative and creative and which offer real alternatives to the conventional school program have been made available. In-school suspension programs for disruptive students often differ from the conventional school program only because they physically segregate students in a separate classroom. Counseling provided to such students is often very limited, if provided at all. Many programs for disinterested and unsuccessful students vary little in philosophy, content or methodology from state and federally funded compensatory education programs. Although alternative education funds may be used to provide basic skills remediation to students in grades or schools for which state compensatory education and federal Title I funding are not made available, the intent of the law is not to provide programs which parallel state or federal compensatory education programs.
>
> Although both the alternative education law and State Board of Education rule encourage school districts to cooperate with other public and private agencies and organizations in order to facilitate the establishment of non-traditional learning experiences and settings, few school districts have exercised this option. Eleven school districts have entered into cooperative agreements within DHRS to furnish instructional personnel to students in twenty-four DHRS residential facilities using state alternative education funds. These programs usually take the form of basic skills remedial instruction which differ from conventional remedial instructional programs in public schools only in that they are provided in a classroom located within a DHRS facility. With the notable exception of the Associated Marine Institute Program and the Lee County Alternative Back County Learning Experience, programs which take students out-of-doors and away from a traditional classroom setting are infrequent.
>
> Many alternative programs include instruction in employability skills, pre-vocational training and counseling and vocational education. The enormous potential afforded by cooperative job exploratory and internship programs jointly sponsored by school

districts and such state agencies as the Department of Agriculture, Department of Natural Resources, Department of Environmental Regulation and the Florida Game and Fresh Water Fish Commission has barely been tapped, however.

Although some separate alternative schools have been established, many offer academic curricula which do not differ significantly from conventional course offerings.

Determining what constitutes a "positive" versus a "punitive" educational program is a difficult and often highly subjective judgement. It is clear to most observers that an in-school suspension program which segregates disruptive students in a condemned school building and provides them with no academic instruction or counseling is punitive in intent and effect. It is less clear whether an in-school suspension program for disruptive students which differs from the regular school program only by physically segregating students from their peers is punitive and, therefore, in violation of the intent of the alternative education law. Further clarification of the terms "positive" and "punitive" as used in s. 230.2315, F.S., is needed.

Recommendations

The major policy recommendations contained in the Alternative Education Program Evaluation (OPB, 1981) should be implemented by June 1984. The recommendations that should receive the highest priority are:

- Proviso language should be included in the Appropriations Act to require that the State Board of Education, in cooperation and consultation with the Department of Education, the Governor's Office, and the Legislature, shall adopt by rule, no later than January 1, 1985, a selected number of performance outcome measures. Such measures shall be used to assess the alternative education program's success in achieving those goals and objectives enumerated in section 230.2315, F.S. Selected measures should reflect the impact the program has had on state-level rates of student suspension, expulsion, drop-outs, truancy, referral to special services or agencies and referral to the juvenile justice system. Any future appropriations for alternative education should be tied to the demonstrated effectiveness of the alternative education program as indicated by selected performance measures.

• It is recommended that the Commissioner of Education be required to prepare an annual report on the State alternative education program. This report shall include but not be limited to information on: a) the number of students, by district, grade level and race participating in state-funded alternative education programs, b) the number of students participating in in-school suspension programs, c) the types of programs to which students were referred, d) the reason(s) for student referral, and e) the effectiveness of the program as measured by those program performance measures adopted by the State Board of Education.

This report shall be transmitted to the State Board of Education, the Governor and the presiding officers of the Legislature.

• Pursuant to the provisions of s. 231.546, F.S., the Florida Education Standards Commission should recommend to the State Board of Education standards relating to programs and policies for the pre-service training, certification, and in-service training of administrative and instructional personnel involved in the state alternative education program.

• Although the DOE has recommended certain changes in various district's alternative education programs, they have not had the legal authority to withhold state funding for programs which they consider to be ineffective or potentially punitive. It is, therefore, recommended that the state alternative education law (s. 230.2315, F.S.) be amended to require that all state-funded alternative education programs, both existing and proposed, be submitted to the Commissioner of Education, on a one-time basis, for review and approval as a condition for the receipt of future state funding.

• The Department of Education and Legislature should conduct close scrutiny of the alternative education cost factor, including an examination of the relative costs of providing the varying kinds of programs presently made available through the state alternative education program. The main purpose of this study should be the development of a funding strategy that supports the creation of serious, innovative alternative programs rather than mere in-school suspension.

6) Employment, Education and Training Strategies for Delinquent Youth*

Employment and training strategies for delinquent youth initiated by the Youth Employment and Demonstration Projects Act (amended CETA) focused on in-school education projects tied to work experience/on-the-job training in jobs related to a student's career goals. This approach was not always successful but it worked often enough to show what is possible. The 1976-77 CETA/HRS project for juveniles described above, concretely demonstrates what is possible in this area.

Another approach was Young Adult Conservation Corps work for youth 18-23. Participants realized the immediate benefits of their work in that they could see, feel and touch products they helped create. Florida ran a combination of residential and non-residential programs with cities, counties, state agencies and non-profit organizations operating programs. One of the best of these was operated by the Associated Marine Institute, Inc.

AMI provides juveniles in their programs with goal oriented work and academic education in marine and environmental projects. AMI programs are community based so that a participant does not leave his or her home community. Programs are not residential, so participants could live at home or in group homes and report to AMI daily. Work programs come from the Department of Natural Resources and other local agencies. AMI is able to solicit and obtain private donations (boats,

*This section was prepared by Rick Smith, OPB Governmental Analyst.

equipment, money, etc.) so they are not solely dependent on federal and state funding.

Projects include:

- Artificial Reef Construction,
- Coastal Revegetation,
- Fishing and Sport Fishing Surveys,
- Fishing Gear Research.

Recommendations

- The State should support the expansion of programs with a special emphasis on the employment component.

- The State should develop a testing, assessment, counseling, advisement, education, work approach which would be applicable with modification to all commitment programs.

  - Comprehensive assessment of talents, skills and career goals is a necessary first step.

  - A portion of each day should be devoted to academic education with constant review of progress, goal achievement, problem identification, etc.

  - The balance of the day should be devoted to work in jobs related to a stated career goal (to the extent practicable).

  - Where there is a scarcity of jobs in a local labor market for such kids, the program should attempt to create small scale business enterprises where youth participate, using a phased system, in all aspects of conducting and organizing a small business. Assistance from local vocational education institutions could be provided. Financial planning, accounting and record keeping, production, sales/marketing and other related aspects of small business development should be incorporated into the academic instruction. (See Lively Vo-Tech Center's curriculum for starters).

- Relationships with business and industry are a must for those choosing conventional occupations. These programs should not, however, duplicate programs existing in schools or JTPA programs, but in fact, should tie in very closely in order to avoid repeating the mistakes made in CETA.

- Specific delineation of responsibilities should be set forth in agreements between any such program operators and the employment and training system in place. (JTPA/ES/Voc. Ed.)

• The State should implement an On-The-Job (OTJ) Training program for delinquent youth.

- OJT was one of the least used, but most successful CETA programs. For adjudicated youth, the problems in establishing a successful OJT program would be multiple but not insurmountable.

Such a program should focus on marketing the skills and abilities of juveniles (e.g., a street hustler might make an excellent salesperson). Taggart (A Fisherman's Guide to Employment Training) shows that many people from economically and educationally disadvantaged backgrounds are capable of making a "quantum leap" from unskilled, undereducated, unemployed person to skilled, educated and employed, contributing member of the community. The program must be designed, implemented and followed through correctly for this to work. It must be comprehensive and not penalize program operators for motivating youth to return to school.

OJT job development (finding an employer willing to take a chance on a youth) will be difficult due to competing groups attempting to do the same thing for displaced homemakers, older workers, unemployed heads of households and numerous other target groups. It is therefore essential that programs be closely coordinated so that businesses are involved from the beginning.

• The State should implement a Conservation Corps program, modeled on the Job Corps program for 14-23 year old youth. The program should be mainly community based for 14-18 year olds.

7) Juveniles in the Department of Corrections (DOC)

The number of juveniles (17 and under) entering DOC has increased threefold since 1980. The increase has been particularly steep since the 1981 legislative changes which substantially eased the requirements for waiving juveniles into the adult

system. Florida now has one of the highest concentrations of juveniles in the adult system of any of the states. Most of them have been convicted of non-violent, second or third degree felonies and 25% have no record of previous arrests. According to the Youth Offender Program Evaluation (OPB, 1981), these inmates are frequently vulnerable to exploitation and abuse by older and stronger inmates.

Many of the previous recommendations are designed to orient the JJS toward a more specialized response to the serious juvenile offender. Implementation of the recommendations to limit commitment to secure JJS programs to violent and repeat offenders and to provide for longer lengths of stay would enable the JJS to sanction the serious offender more effectively. This would reduce the need to rely on the adult system for appropriately severe sanctions. Regardless of these recommended changes, however, the State should act to restrict the flow of non-violent juveniles without extensive offense records into DOC.

Recommendations

- The current waiver process should be tightened-up by passing legislation based on the notion of "automatic adult certification." That is, any juvenile whose offense record meets a specific set of criteria would automatically be certified to adult court. This approach would replace the current procedure which allows state attorneys considerable discretion in deciding who gets waived. We recommend use of the following criteria.

    a. Must be age 16 or 17.

    b. Must have been adjudicated twice before for a part 1 felony offense or three times before for part 2 or 3 felony offenses.

c. Must have been committed at least once before to a secure JJS program (training school).

It is also recommended that waiver determination hearings through the juvenile court be limited to juveniles of any age charged with capital crimes.

- A HRS training school should be transferred by June 30, 1985 to the Department of Corrections for use as a Level I Youthful Offender Facility.

The earlier recommendations concerning training school admission limitations and the expansion of community-based programs should limit the need for training school beds to the two remaining facilities.

- The DOC should develop a set of specialized programs for the 17 and under inmate with special emphasis on vocational and academic education and the linkage between them.

The DOC should also develop a special parole program with lower caseloads and specialized training for parole officers carrying 17 and under offenders on their caseloads.

The recommendations in the Youthful Offender Evaluation (1981) concerning protection of the 17 and under inmate should be fully implemented as soon as possible.

8) Juvenile Justice and the Judicial Process

The percentage of juveniles referred to the JJS who are being formally processed through the judicial system and adjudicated delinquent has increased greatly in the past two years. These developments raise several issues concerning the role and policies of the juvenile court system. Most of these issues relate to the debates concerning the parens patrie versus due process models of judicial practice, the proper relationship between offense and sanction, the array of sanctions that should be available to the juvenile court and the role of the court vis-a-vis certain classes (under age 12) of offenders.

Most of the following recommendations touch on these issues and are offered here primarily for purposes of focusing discussion and as an effort to identify areas of judicial practice which are in need of further analysis.

Recommendations

- Only under exceptional circumstances (heinous crimes) should youngsters aged 12 or under be dealt with in the criminal courts. Children mature at different rates, and any attempt to fix an age of criminal responsibility must of necessity be arbitrary. Nonetheless, young children cannot be expected to exhibit the mature judgment of their elders, and even serious criminal acts committed by them are likely to indicate social or personal problems, rather than criminal intent. They are not "lost causes." They can be helped to grow into responsible adults.

  Services for these troubled youth and their families should be available within their communities, and children should be referred to the most natural, least restrictive, appropriate alternatives. Programs should be noncoercive and should encourage maximum participation by youth in the daily affairs of the community. Many alternative programs are appropriate for these youngsters and communities should be encouraged and helped to develop new ones.

- All youth who are tried in the juvenile court, whether because of the seriousness of the alleged offense or by their own choosing, should be assured of all the due process safeguards accorded adults in the adult section, including: (1) right to counsel; (2) right to written notice of all charges; (3) access to all evidence; (4) right to cross-examination of prosecution witness; (5) right to present testimony in their own behalf; (6) privilege against self-incrimination; (7) right to trial by jury; (8) right to appeal; and (9) requirement that guilt be proven beyond reasonable doubt.

- In the event of a guilty verdict, the court must have available to it a broad range of sentencing options. Where possible, consistent with protection of the public, the court should make maximum use of social services and community-based programs.

No juvenile offender should remain under court supervision for more than three years. Those requiring longer supervision should be handled through the adult system.

Options such as group homes and foster care are available for those youth not ready to be moved to nonresidential programs or released outright. Formal court review of all aspects of the child's program should be held after each six months, with the administrative service agency required to show cause why the youth should not be moved to a less restrictive alternative or returned to his or her home.

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